

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GRANITE REINSURANCE COMPANY
LTD., a Barbados corporation,

Plaintiff,

v.

ACCEPTANCE INSURANCE COMPANY, a
Nebraska corporation,

Defendant.

Case 8:05-cv-449

**JOINT MOTION TO REFER TO
UNITED STATES BANKRUPTCY
COURT**

COME NOW Plaintiff, Granite Reinsurance Company, Ltd. ("Granite Re"), and Defendant, Acceptance Insurance Company ("Acceptance"), pursuant to NEGenR 1.5(a)(1) and 28 U.S.C. § 157 and hereby move the Court to refer this entire case for further action to the United States Bankruptcy Court for the District of Nebraska. In support of this Motion, the parties state:

1. NEGenR 1.5(a) state: "[a]ll cases under Title 11 of the United States Code, and all proceedings arising under such Title 11, or arising in or related to a case under Title 11, are referred to the bankruptcy court of this district pursuant to 28 U.S.C. § 157."

2. On January 7, 2005, Acceptance's parent corporation, Acceptance Insurance Company, Inc. ("AICI"), initiated a chapter 11 bankruptcy action in the United States Bankruptcy Court for the District of Nebraska, Case No. 05-80059 ("AICI Bankruptcy Action").

3. The parties stipulate this case is related to the AICI Bankruptcy Action.

4. The parties further stipulate that the Motion to Dismiss or in the alternative, Refer to the United States Bankruptcy Court ("Motion to Dismiss"), filing No. 12, be deferred until the matter is in the Bankruptcy Court and the Bankruptcy Court establishing a schedule for response. If this motion is denied, the parties would request that the time to respond to the Motion to Dismiss be extended to 20 days from said denial.

5. The parties have a deadline for the pretrial conference planning report of January 20, 2006 and would request that this deadline is deferred and reset once the matter is in the Bankruptcy Court or if the matter remains in this court that the time be reset after an Order is issued.

WHEREFORE, the parties respectfully request the Court enter an Order similar to the attached proposed order, referring this entire case to the United State Bankruptcy Court for the District of Nebraska for further action and for other relief request in this motion.

Dated this 20th day of January, 2006.

GRANITE REINSURANCE COMPANY,
LTD.,
Plaintiff,

By: /s/ Robert F. Craig
Robert F. Craig #10819
Jenna Taub #22725
Robert F. Craig, P.C.
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Omaha, NE 68102
(402) 408-6000

ACCEPTANCE INSURANCE COMPANY,
Defendant,

By: /s/ Patrick B. Griffin
Patrick B. Griffin #18072
Thomas J. Kenny #20022
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The Omaha Building
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ORDER

Before the Court is the parties' Joint Motion to Refer to United States Bankruptcy Court. The matter is submitted and the Court has been fully advised.

Because this case is related to the Chapter 11 bankruptcy case of Defendant's parent corporation, Acceptance Insurance Company, Inc., currently pending in the United States Bankruptcy Court for the District of Nebraska, Case No. 05-80059, initiated January 7, 2005, the parties' Joint Motion to Refer to United States Bankruptcy Court is hereby granted. The entire case shall be referred for further action to the United States Bankruptcy Court for the District of Nebraska. In addition, the parties' June 20, 2006 deadline for submitting a pretrial planning report is hereby suspended indefinitely.

IT IS SO ORDERED.

Dated this _____ day of _____, 2006.

BY THE COURT

United States District Judge